



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ENVIRONMENT AND FOREST DEPARTMENT :: DISPUR

NOTIFICATION

The 29th April, 2019

No.ENG.1/2019/17.- Whereas, plastic carry bags and other plastic items used in daily life cause short term and long term environmental damage and health hazard;

And whereas, Article 48-A of the Constitution of India, inter alia, envisages that the State shall endeavor to protect and improve the environment;

And whereas, it has come to the knowledge of the Government that, the use of plastic carry bags, banners, buntings, flex, plastic flags, plastic plates, plastic cups, plastic spoons, cling films and plastic sheets used for spreading on dining table and items that are made of thermocol are causing serious environmental hazards and affects health of human beings as well as animals;

And whereas, it is observed that the plastic wastes is also causing blockage of drains, sewers and gutters apart from resulting in pollution of water bodies in urban area as well as rural areas;

And whereas, with a view to prevent the recurrence of such problems, the Governor of Assam, in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986, (Central Act 29 of 1986) in accordance with the powers delegated to the State Government of Assam under section 23 of the said Act, vide Ministry of Environment and Forests, Govt. of India's Notification No. S.O.152 (E) dtd. New Delhi the 10th February, 1988, issues the following directions imposing ban on manufacture, supply, store, transport, sale, carry and/or distribute and use of plastic carry bags, plastic banners, plastic buntings, plastic flex, plastic flags, plastic plates, plastic cups, plastic spoons, cling films and plastic sheets used for spreading on dining table including the above items made of thermocol and plastic which use plastic micro beads in the state. This notification comes into effect from the date of its publication in the Official Gazette.

DIRECTION:

1. No person including shopkeeper, vendor, wholesaler, retailer, trader, hawker, salesmen or customer shall use plastic carry bags, plastic banners, plastic buntings, plastic flex, plastic flags, plastic plates, plastic cups, plastic spoons, cling films and plastic sheets used for spreading on dining table irrespective of thickness including the above items made of thermocol and plastic which use plastic micro beads. Further, no industry or person shall manufacture, supply, store, transport, sale, carry and/or distribute plastic carry bags, plastic banners, plastic buntings, plastic flex, plastic flags, plastic plates, plastic cups, plastic spoons, cling films and plastic sheets used for spreading on dining table irrespective of their thickness including the above items made of thermocol and plastic which use plastic micro beads in the State:

Provided that the plastic used for the following purposes and circumstances are exempted from this notification:-

- a) The plastic carry bags manufactured exclusively for export purpose against any export orders in a plastic industry located in Special Economic Zone (SEZ) and Export Oriented Units (EOU).
 - b) The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units.
 - c) The plastic bags and sheets used in Forestry and Horticulture nurseries against the orders from the Govt. Departments or from the firms concerned.
 - d) The plastic used for packing of milk and milk products (dairy products).
 - e) Plastic bags or plastic used for packaging of medicine.
2. That the following Officers shall enforce this direction in exercise of power conferred on them by law in their jurisdiction.
 - a) The Commissioners, Joint Commissioners, Revenue Officers, all Health Officers.
 - b) All Deputy Commissioners of the districts.
 - c) All Commissioners of City Corporations. Chief Officers, Health Officers and all Engineers of Urban Local Bodies
 - d) All Engineers of the rank of Assistant Engineer & above and all Environmental Scientist and other Scientist above the rank of Environmental Scientist of Pollution Control Board, Assam
 - e) All Assistant Commissioner of Revenue Sub Divisions.
 - f) Sub-Division/Circle office/ Panchayat.
 - g) All officers of Commercial Tax Department.
 - h) All officers of Department of Food and Civil supplies.
 - i) The Controller, Deputy Controller and Regional Officers of Legal Metrology Department.
 3. That the following officers shall take cognizance of offences and initiate legal action in case of noncompliance of this direction as per the powers conferred on them under Section 19 of the Environment (Protection) Act, 1986 and to file complaint in the jurisdictional court of law on all violators.
 - a) Secretary to the Government of Assam, Environment and Forest Department.
 - b) Chairman & Member Secretary, Pollution Control Board, Assam.

- c) Deputy Commissioners of the Districts.
 - d) Assistant Commissioner of Revenue Sub-Divisions.
 - e) Regional Officers of Pollution Control Board, Assam.
4. Penalty for contravention of the provisions of this Notification-
- i) Whoever fails to comply with or contravenes any of the provisions of this Notification or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend upto five years or with fine which may extend upto one lakh rupees, or with both, and in case the failure or contravention continues, additional fine shall be imposed which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
 - (ii) If the failure or contravention referred to in sub-section (i) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

Explanation 1 : "Plastic" means any of the items mentioned in this direction made out of poly propylene (PP), non-woven poly propylene, multi layered co-extruder poly propylene, poly ethylene (PE), poly vinyl chloride (PVC), high and low density poly ethylene (HDPE & LOPE), poly styrene (PS) which is also called thermocol, poly amides (Nylon), poly terephthalate (Pf), poly methyl methacrylate (PMM) and plastic micro beads.

Explanation 2 : The word "carry bag" will have the same meaning that is provided in rule 3.c. of the Plastic Waste Management (Amendment) rules, 2018. In this definition exemption is provided for plastic bag that constitute or form an integral part of packaging in which goods are sealed prior to use.

Explanation 3 : Pollution Control Board, Assam shall be responsible for enforcement regarding the functions specified in clause (1) of rule 12 of the Plastic Waste Management (Amendment) Rules, 2018 and **Urban/Rural Local Bodies** shall be responsible for enforcement regarding the functions specified in clause (2) of rule 12 of the said Rules;

Explanation 4 : Officers as mentioned in Government of India's Notification No.S.0.394 (E) dated 16.04.1987, amended from time to time, are authorized to file complaints against violation of directions included in this Notification under Section 19 of the Environment (Protection) Act, 1986.

RAVI CAPOOR,

Additional Chief Secretary to the Government of Assam,
Environment and Forest Department.